

Rule 8. Stay or injunction pending appeal.

(a) *Stay must ordinarily be sought in the first instance in trial court; motion for stay in appellate court.* Application for a stay of the judgment or order of a trial court pending appeal, or disposition of a petition under Rule 5, or for approval of a supersedeas bond, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal must ordinarily be made in the first instance in the trial court. A motion for such relief may be made to the appellate court, but the motion shall show that application to the trial court for the relief sought is not practicable, or that the trial court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the trial court for its action. The motion shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute, the motion shall be supported by affidavits or other sworn statements or copies thereof. With the motion shall be filed such parts of the record as are relevant, including a copy of the order sought to be stayed. Any motion for stay shall be filed under rule 23. ~~The motion shall be filed with the clerk and normally will be considered by the court, but in exceptional cases where such procedure would be impracticable due to the requirements of time, the application may be considered by a single justice or judge of the court.~~

(b) *Stay may be conditioned upon giving of bond.* Relief available in the appellate court under this rule may be conditioned upon the filing of a bond or other appropriate security in the trial court.

(c) *Stays in criminal cases.* Stays pending appeal in criminal cases ~~pending appeal in~~ which the defendant has been sentenced are governed by Utah Code Ann. § 77-20-10 and Rule 27, Utah R. Crim. P. Stays in other criminal cases are governed by this rule.